

MT LEGISLATIVE HISTORY

Chapter 132 1969

Bill (H) 64 S _____

Original bill & hist. C

H. Committee on Judiciary

S. Committee on Judiciary

Hearing Date(s) Jan 10 C

Hearing Date(s) Feb 18 C

 C

 C

 C

 C

 C

 C

Date Out Jan 10 C

Feb 18 C

Did this bill originate in an interim committee? Yes No

Committee

Report

BEST COPY
AVAILABLE

BEST COPY
AVAILABLE

SENATE JUDICIARY COMMITTEE MEETING - February 18, 1963

The meeting was called to order by the Chairman, Senator Gilfeather. All the members were present, except Senators Lynch and G. Theart, who were excused.

House Bill No. 278 was considered by the committee. Representative Jeffrey Scott, from Yellowstone County, appeared before the committee as chief sponsor in support of this bill. He told the committee that the bill is designed to simplify the general certificate of acknowledgment.

House Bill No. 80 was considered by the committee. Rep. Pat Williams, from Silver Bow County, appeared before the committee as chief sponsor and in support of this bill. Also appearing before the committee in support of this bill was John Thomas, Director of the Aftercare Division under the Department of Institutions. Mr. Thomas distributed several charts to the members of the committee, showing the number of children in the Aftercare Program and the types of crimes they commit.

House Bill No. 64 was considered by the committee. Appearing before the committee as chief sponsor of this bill was Representative Walter Ulmer, from Custer County. Also appearing before the committee in support of this bill was Paul Reynolds, Attorney from Helena, representing the Highway Patrol.

House Bill No. 109 was considered by the committee. Appearing before the committee in support of this bill was John Poole from the Highway Commission and Mr. Ruederdahl from the Highway Commission. After discussing this bill, it was decided that the Highway Commission would submit some amendments to this bill and have them ready for the committee on Friday, February 21st.

House Bill No. 134 was considered by the committee. Appearing before the committee on behalf of Representative Schoonover, chief sponsor of the bill, was Representative John Shrively, from Gallatin County. Mr. Shrively told the committee that school districts get involved in policy issues and require special advice. Thousands of dollars are lost when poor advice is given. He said the County Attorneys, who are the legal advisors for school districts, are also the legal advisors of the County Commissioners and the School Boards and County Commissioners sometimes have a conflict of interest. Also appearing before the committee in support of this bill were James Kenny, Executive Secretary for the Montana School Board from Helena, and Dee Cooper, from the Montana School Board in Helena. They told the committee that this proposed bill was unanimously adopted by the School Board. Donald A. Garrity, a Helena attorney, representing Dain, Kalman & Quail, appeared before the committee to offer some amendments to this bill.

BEST COPY
AVAILABLE

LEGISLATIVE COUNCIL MEETING - February 18, 1968 - Page 11

House Bill No. 58 was considered by the committee. Paul J. Schindler, a Helena attorney, representing the Highway Patrol, appeared before the committee in support of this bill.

After the witnesses were excused, the committee considered House Bill No. 58. Senator Turnage suggested the following amendment to this bill: Amend on page 2, Section 1, line 10 of the original bill, being page 2, Section 1, line 23 of the printed bill, after the word "or" by inserting the words "knowingly or willingly". Senator Turnage then moved and was seconded by Senator Sheehy, that the amendments be adopted. The motion was carried. A motion was made by Senator Haughey, seconded by Senator Stephens, that House Bill No. 58, as amended, be concurred in. The motion was carried.

After considering House Bill No. 64, Senator Turnage made a motion, seconded by Senator Haughey, that House Bill No. 64 be concurred in. The motion was carried.

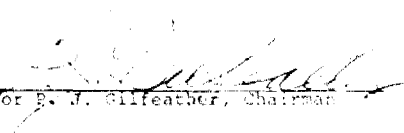
After consideration of House Bill No. 80, Senator Haughey made a motion, seconded by Senator Stephens, that House Bill No. 80 be concurred in. The motion was carried.

After considering House Bill No. 278, Senator Turnage made a motion, seconded by Senator Haughey, that House Bill No. 278 be not concurred in. The motion was carried.

After consideration of House Bill No. 376, Senator Haughey offered some amendments to the bill. After considering the amendments, Senator Turnage made a motion, seconded by Senator Sheehy, that the amendments be adopted. The motion was carried. Senator Turnage then moved and was seconded by Senator Stephens that House Bill No. 376, as amended, be concurred in. The motion was carried.

After considering House Bill No. 404, a motion was made by Senator Sheehy, seconded by Senator Haughey, that House Bill No. 404 be concurred in. The motion was carried.

A motion was made by Senator Stephens, seconded by Senator Rehberg, that the meeting be adjourned. The motion was carried.


Senator P. J. Gilfeather, Chairman

BEST COPY
AVAILABLE

JUDICIARY COMMITTEE

The meeting of the House Judiciary Committee was held in Committee Room 300 of the Capitol Building, January 10, 1969. Mr. James E. Murphy, Chairman, presided. All members were present except Representative [redacted].

Chairman Murphy introduced Capt. Robert McKay of the Montana Highway Patrol who was a proponent for HB 34, HB 47, HB 63 and HB 64. Capt. McKay then gave a short talk on each of the bills and why he recommended approval of same. Several questions were asked of Capt. McKay on each of the proposed bills and Capt. McKay was then excused.

Chairman Murphy then introduced Judge Castles who spoke on HB 36, HB 68 and HB 69. Committee members asked questions of Judge Castles on these bills. Judge Castles left mimeographed discussions (Plea Discussion and Agreement and Double Jeopardy) copies of which are attached to these minutes. Judge Castles was then excused.

Chairman Murphy then introduced Mr. Ulmer who had introduced HB 63 and HB 64 **by request and stated** that if this committee recommended passage of either or both he would forget the "by request" and carry the bill or bills to the floor. It was stated that Capt. McKay from the Highway Patrol had explained the bills to the committee very well. Mr. Ulmer was then excused.

Chairman Murphy then announced that House Bill 56, relating to hearings and judgments in juvenile matters, would not be heard today because someone from the department wanted to appear and could not make it today; therefore, hearing of this bill has been continued to Wednesday, January 15, 1969.

Chairman Murphy stated that the next bill for consideration was House Bill 36, authorizing Supreme Court rules to regulate pleading, practice and procedure. He then closed any further discussion on same.

Minutes closed by Representative [redacted]

BEST COPY
AVAILABLE

House Bill 62, to delete discretionary punishment authorized for offenses for which mandatory revocation of drivers license was then considered. Representative Baeth moved that bill bill DO PASS AS AMENDED and was seconded by Representative Lobl. The motion carried unanimously.

House Bill 64, to delete discretionary punishment authorized for offenses for which mandatory revocation of drivers license was then considered. Representative Baeth moved that bill bill DO PASS AS AMENDED and was seconded by Representative Scott. The motion carried unanimously.

Chairman Murphy stated that HB 110 was on high priority domain and that would be set for hearing at a later date.

Chairman Murphy stated that the committee would not meet again until Monday, January 13, 1969.

There being no further business to come before the meeting, the same was adjourned.

James J. Murphy
JAMES J. MURPHY

BEST COPY
AVAILABLE

... .. Support

... .. statement with



shall be filed as provided in this section. The area included in such map shall constitute the area over which the planning board shall have advisory jurisdiction.

3. In case an unincorporated area is within the potential jurisdiction of more than one planning board, then the boundary between the conflicting areas shall be determined by agreement between the planning boards involved, with the approval of their respective governing bodies, and a map showing the boundary lines so agreed upon and approved shall be filed as provided in this section, and thereafter shall fix the limit of territorial jurisdiction of the respective planning boards."

Approved: February 27, 1969.

CHAPTER 137

An Act to Amend Section 31-147, R.C.M. 1947, to Delete a Discretionary Suspension Authorized for Offenses for Which Mandatory Revocation of Driver's License is Required Upon Conviction; Clarifying Meaning of Unlawful or Fraudulent Use of Driver's License; Changing "Supervisor" to "Chief".

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 31-147, R.C.M. 1947, is amended to read as follows:

Authority of board to suspend license or driving privilege or issue probationary license.

"31-147. **Authority of board to suspend license or driving privilege or issue probationary license.** (a) The board is hereby authorized to suspend the license or driving privilege of an operator or chauffeur without preliminary hearing upon a showing by its records or other sufficient evidence that the licensee:

1. Has been involved as a driver in any accident resulting in the death or personal injury of another or serious property damage;

2. Has been convicted with such frequency of serious offenses against traffic regulations governing the movement of vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways;

3. Is an habitually reckless or negligent driver of a motor vehicle;

4. Is incompetent to drive a motor vehicle;

5. Has permitted an unlawful or fraudulent use of such license *as specified in section 31-153*;

6. Has committed an offense in another state which if committed in this state would be grounds for suspension or revocation; or

7. Has falsified his date of birth on his application for a driver's license.

(b) Provided, however, the board may, in its discretion, and in lieu of such suspension of license or driving privilege, issue a probationary license to an operator or chauffeur, without preliminary hearing, upon a showing by its records or other sufficient evidence that the licensee's driving record is such as would authorize suspension as provided in subsection (a) hereof. Upon issuance of a probationary license the licensee shall be subject to the restrictions set forth thereon. The licensee's driving privilege may be suspended upon conviction, or forfeiture of bail, not vacated, of any traffic violation during the period of such probation. The licensee shall surrender to the board all driver licenses theretofore issued to him before such probationary license shall be issued. His refusal or neglect to surrender such licenses, upon demand, shall be ground for suspending all such licenses. Probationary licenses may be issued for a period not to exceed twelve (12) months.

(c) Upon suspending the license of any person or upon placing such person on probation, as hereinbefore in this section authorized, the board shall immediately notify the licensee in writing and upon his request shall afford him an opportunity for a hearing as early as practical within not to exceed twenty (20) days after receipt of such request in the county wherein the licensee resides unless the board and the licensee agree that such hearing may be held in some other county. Upon such hearing the *chief* or his duly authorized agent may administer oaths and may issue subpoenas for attendance of witnesses and the production of relevant books and papers and may require a re-examination of the licensee. Upon such hearing the board shall either rescind its order of suspension or probation, or, good

cause appearing therefor, may affirm, reduce or extend the period of probation or suspension of such license."

Approved: February 27, 1969.

CHAPTER 138

An Act to Provide a Penalty for Untimely Filing of the Mine or Mining Claim Net Proceeds Tax Statement of Yield, and the Collection Thereof, and to Provide for an Extension of Time for Such Filing; Amending Sections 84-5402 and 84-5405, R.C.M. 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 84-5402, R.C.M. 1947, is amended to read as follows:

Net proceeds
tax—statement of
yield, penalty,
extension of time.

"84-5402. **Net proceeds tax—statement of yield, penalty, extension of time.** Every person, partnership, corporation, or association, engaged in mining, extracting or producing from any quartz vein or lode, placer claim, dump or tailings, or other place or sources whatever, precious stones or gems, gold, silver, copper, coal, lead, petroleum, natural gas, or other valuable mineral, must on or before the thirty-first day of March of each year make out a statement of the gross yield of the above-named metals or minerals from each mine owned or worked by such person, corporation or association during the year preceding the first day of January of the year in which such statement is made, and the value thereof. Such statement shall be in the form prescribed by the state board of equalization, and must be verified by the oath of such person or the manager, superintendent, agent, president or vice-president of such corporation, association or partnership, and must be delivered to the state board of equalization on or before the thirty-first day of March. Such statement shall show the following:

1. The name and address of the owner or lessee or operator of the mine, together with the names and addresses of any and all persons, corporations, or associations owning or claiming any royalty interest in the mineral product of such mine or the proceeds derived from the sale thereof, and the amount or amounts paid or yielded as royalty to

each of such persons, corporations or associations during the period covered by the statement.

2. The description and location of the mine.

3. The number of tons of ore, barrels of petroleum, cubic feet of natural gas or other mineral products or deposits extracted, produced, and treated or sold from the mine during the period covered by the statement.

4. The amount and character of such ores, mineral products or deposits, and the yield of such ores, mineral products or deposits from such mine in constituents of commercial value; that is to say, the number of ounces of gold or silver, pounds of copper or lead, tons of coal, barrels of petroleum or other crude or mineral oil, cubic feet of natural gas or other commercially valuable constituents of said ores or mineral products or deposits measured by standard units of measurement, yielded to such person, corporation or association so engaged in mining, and to said royalty holders and each of them, if any, during the period covered by the statement.

5. The gross yield or value in dollars and cents.

6. Actual cost of extracting same from mine.

7. Actual cost of transporting to place of reduction or sale.

8. Actual cost of reduction or sale.

9. Actual cost of marketing the product and conversion of same into money.

10. Cost of construction, repairs and betterments of mines, and cost of repairs and replacements of reduction works.

11. The assessed valuation of reduction works for the calendar year for which such return is made.

12. Actual cost of fire insurance and workmen's compensation insurance.

If any person shall fail, neglect or refuse to file the statement required by this section within the time required, or within any extended period of time allowed, the state board of equalization when transmitting the net proceeds valuations to the counties shall inform the county assessor